

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FREE SPEECH COALITION,	§	No. 1:23-cv-00917-DAE
INC., et al.,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	
	§	
KEN PAXTON, In His Official	§	
Capacity As Attorney General For	§	
The State Of Texas,	§	
	§	
<i>Defendant.</i>	§	

ORDER

Before the Court is Plaintiffs MG Premium Ltd, MG Freesites Ltd, Yellow Production, s.r.o., Paper Street Media, LLC, Neptune Media, LLC, MediaME SRL, Midus Holdings, Inc., and Jane Doe’s Notice of Dismissal, filed pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). (Dkt. # 98.) The aforementioned Plaintiffs intend to dismiss their claims against Defendant Ken Paxton without prejudice.

Under Federal Rule of Civil Procedure Rule 41(a)(1)(A)(i), a plaintiff may dismiss a case without a court order by “a notice of dismissal before the opposing party has served an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). Defendant Paxton filed a motion to dismiss (Dkt. # 52), but not an answer or motion for summary judgment. Menendez v. Hunter Douglas,

Inc., No. 4:21-CV-451, 2022 WL 812352, at *8 (E.D. Tex. Mar. 16, 2022) (“A motion to dismiss is not an answer for purposes of Rule 41(a)(1).”). Although Rule 41(a) dismissal applies only “to the dismissal of an entire action—not particular claims,” the Court finds the Notice of Dismissal proper because each Plaintiff has a separate and distinct cause of action. Bailey v. Shell W. E&P, Inc., 609 F.3d 710, 720 (5th Cir. 2010) (noting that Rule 41(a) dismissal applies to dismissal of the entire action, not individual claims); Miller v. Stewart, 43 F.R.D. 409, 412–413 (E.D. Ill. 1967) (finding notice of dismissal under Rule 41(a)(1) of less than all plaintiffs effective to dismiss the action as to those plaintiffs and reasoning that each plaintiff “has a separate and distinct cause of action from each of the other plaintiffs”); Pedrina v. Chun, 987 F.2d 608, 610 n.2 (9th Cir. 1993) (citing with approval the proposition that Rule 41 permits dismissal when fewer than all plaintiffs seek to withdraw from the action).

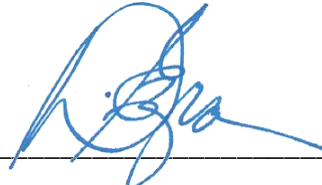
The Court thus finds Plaintiffs MG Premium Ltd, MG Freesites Ltd, Yellow Production, s.r.o., Paper Street Media, LLC, Neptune Media, LLC, MediaME SRL, Midus Holdings, Inc., and Jane Doe have dismissed their case without prejudice.

The Clerk of the Court is therefore **DIRECTED** to **TERMINATE** Plaintiffs MG Premium Ltd, MG Freesites Ltd, Yellow Production, s.r.o., Paper

Street Media, LLC, Neptune Media, LLC, MediaME SRL, Midus Holdings, Inc.,
and Jane Doe from the docket.

IT IS SO ORDERED.

Dated: September 4, 2025.

A handwritten signature in blue ink, appearing to read 'D. Ezra', is written over a horizontal line.

David Alan Ezra
Senior United States District Judge